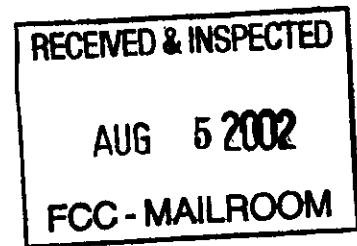




THOMAS M. MENINO  
Mayor

ORIGINAL  
CITY OF BOSTON  
LAW DEPARTMENT

City Hall, Room 615  
Boston, MA 02201



MERITA A. HOPKINS  
Corporation Counsel

EX PARTE OR LATE FILED

August 1, 2002

VIA FEDEX

Marlene H. Dortch, Secretary  
Federal Communications Commission  
445 12<sup>th</sup> Street, SW  
Washington, D.C. 20024

Re: *Ex Parte* Submissions in WT Docket No. 02-55 and WT Docket No. 02-100

Dear Ms. Dortch:

On behalf of the Commission's Local and State Government Advisory Committee, please find enclosed for filing one original and four copies of each of the following documents:

1. *Ex Parte* Submission in WT Docket No. 02-55; and
2. *Ex Parte* Submission in WT Docket No. 02-100.

Thank you for your attention to this matter. Please feel free to contact me with any questions.

Very truly yours,

Christopher M. Mensoian  
Assistant Corporation Counsel  
(617) 635-4029

CMM:amb

Enclosures

cc: Kenneth S. Fellman, Esq.

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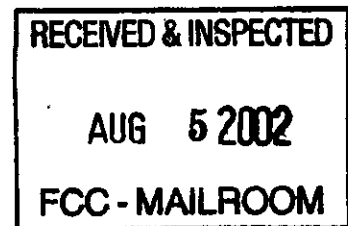
CITY OF BOSTON  
LAW DEPARTMENT **EX PARTE OR LATE FILED**  
City Hall, Room 615  
Boston, MA 02201

THOMAS M. MENINO  
Mayor

MERITA A. HOPKINS  
Corporation Counsel

August 1, 2002

Marlene H. Dortch, Secretary  
Federal Communications Commission  
445 12<sup>th</sup> Street, SW  
Washington, D.C. 20554



Re: *Ex Parte* Submission in WT Docket No. 02-55

Dear Ms. Dortch:

Pursuant to Section 1.1206 of the Commission's rules, 47 C.F.R. § 1.1206, the Commission's Local and State Government Advisory Committee (the "LSGAC"), on behalf of itself and the other local and state governmental entities listed in Attachment I, submits this notice of *ex parte* submission in the above-captioned proceedings.

On July 26, 2002, the individuals listed in Attachment I, representing the local and state governmental entities and organizations indicated, met at various times between the hours of 12:00 p.m. and 4:15 p.m. with Deputy Chief Jeanne Kowalski, Wireless Telecommunications Bureau, Associate Chief Peggy Greene, Media Bureau, Salomon Satche, Engineer, Office of Engineering and Technology, Ken Moran, Director, National Defense and Security, Office of Engineering and Technology, Scott Bergman, Legal Advisor, Wireline Competition Bureau, Bruce Romano, Office of Engineering and Technology, Michael Wilhelm, Legal Advisor, Public Safety and Private Wireless Division, Wireless Telecommunications Bureau, and Gene Fullano, Legal Advisor to the Bureau Chief, Consumer and Governmental Affairs Bureau. A copy of the agenda for the LSGAC's July 26 meeting is included in Attachment 2, hereto.

Commission staff briefed the LSGAC on the status of cable modem, DSL, wireline deregulation and competitive networks proceedings, as well as revisions to Cable Television Rate Regulations, implementation of sections of the Cable Television Consumer Protection and Competition Act of 1992, adoption of a Uniform Accounting System for the Provision of Regulated Cable Service and Cable Pricing Flexibility. Furthermore, the Commission gave a presentation on the Telecommunications Service Priority Program, highlighting the program's potential utility for state and local governments.

In light of recent bankruptcies filed by telecommunications companies and the numerous related legal issues facing state and local governments, the LSGAC respectfully requested that the Commission keep it apprised of any and all proceedings involving the interplay of federal telecommunications and bankruptcy laws.

The Commission's Michael Wilhelm, Legal Advisor, Public Safety and Private Wireless Division, Wireless Telecommunications Bureau, also briefed the LSGAC on 800 MHz issues and the status of the Nextel NPRM. Specifically, sources of radio frequency interference in

the 800 MHz frequency, including intermodulation, overload and the interference problem, as well as Nextel's current frequency realignment proposal were discussed. Attachment 3, hereto, contains the handout provided by the Commission explaining current sources of radio frequency interference in the 800 MHz frequency and Nextel's realignment proposal. The LSGAC reiterated the serious public safety risks caused by wireless facilities' interference with local public safety communications equipment and the difficulty localities face in attempting to remedy this problem.

The LSGAC also raised the question as to whether Rule 90.173 requires parties to cooperate in resolution of the problem, as opposed to the municipality alone correcting the problem even though they are not the cause of it. The question is whether the rule should apply to Nextel and other providers, as well public safety communications systems.

Finally, the Commission briefed the LSGAC on the current status of consumer complaint tracking. In order to help localities better understand the complaint tracking process, the LSGAC suggested that the Commission provide it with the scripts used by Commission staff for various types of complaints. This would be very helpful for localities, as it could serve as a "best practices" manual with respect to complaint tracking.

As part of the discussion regarding the complaint tracking process, the LSGAC once again expressed its concern with the Commission's March 15, 2002 decision declaring cable modem service an interstate information service, and the public comments of Kenneth Ferree, Chief of the Commission's Media Bureau, relating to cable modem franchise fees in the wake of this decision. Once again, the LSGAC asked the Commission staff to request that Mr. Snowden and Mr. Ferree clarify the Commission's position with respect to the scope of local authority over cable modem service during the pendency of the current NPRM. In particular, the LSGAC would like the Commission to address the consumer complaint issue and reconcile the apparent disconnect between the Commission's classification of cable modem service and the appropriate forum for consumer complaints about this service.

Thank you for your attention to this matter. Please direct any questions regarding this *ex parte* submission to the undersigned.

Respectfully submitted,



---

Merita A. Hopkins  
*Corporation Counsel*  
Christopher M. Mensoian  
*Assistant Corporation Counsel*  
for Thomas M. Menino  
Mayor, City of Boston  
City Hall  
Boston, MA 02201  
(617) 635-4034

*On Behalf of the Local and State Government Advisory Committee*

**Local and State Government Advisory Committee and Staff**

<u>Government/Organization</u>	<u>Representative</u>
NATO	Libby Beaty
Boston, Massachusetts	Eve Piemonte-Stacey
Boston, Massachusetts	Merita Hopkins
Boston, Massachusetts	Christopher Mensoian
Metro Radio Board/Minneapolis, Minnesota	Bill Dean
Louisville, Kentucky	Darryl Owens
Plano, Texas	Julie Fleischer
Plano, Texas	Steve Stovall
Eugene, Oregon	Nancy Nathanson
Miller & Van Eaton, P.L.L.C.	Jim Hobson
Miller & Van Eaton, P.L.L.C.	Nick Miller
Anne Arundel County, Maryland	Linda Schuett
Anne Arundel County, Maryland	Jay Cuccia
Anne Arundel County, Maryland	Roger Simonds, Sr.
Anne Arundel County, Maryland	Tom Shanahan
Arvada, Colorado, LSGAC Chair	Ken Fellman
Montgomery County, Maryland, LSGAC Vice Chair	Marilyn Praisner
Montgomery County, Maryland	Jane Lawton
Dearborn, Michigan	Bill Irving
National League of Cities	Juan Otero
FCC	Jeanne Kowalski
FCC	Michael Wilhelm
FCC	Gene Fullano
FCC	Salomon Satche
FCC	Emily Hoffnar
FCC	Scott Bergman
FCC	Peggy Greene
FCC	Linda Kinney
FCC	Bruce Romano
FCC	Ken Moran

**Attachment II**

# FCC LOCAL AND STATE GOVERNMENT ADVISORY COMMITTEE

## MEETING AGENDA

Friday, July 26, 2002

\* \* \* \* \*

### LOCATION:

FCC Offices, The Portals, 445 12<sup>th</sup> Street S.W.  
Commission Meeting Room (12<sup>th</sup> Street entrance level)

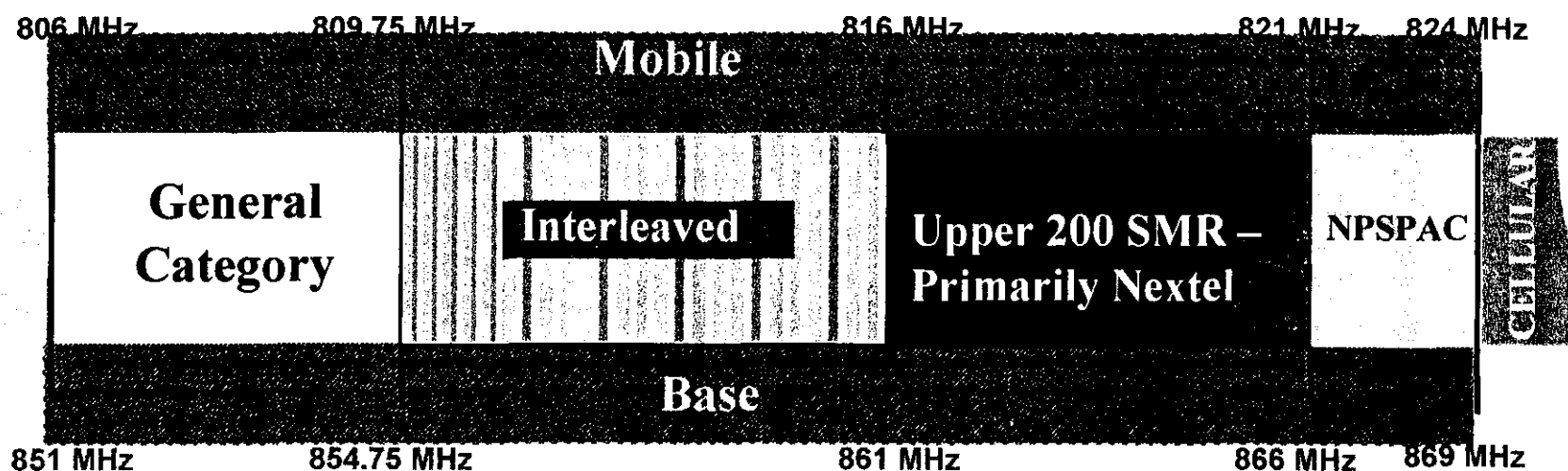
- |                         |   |
|-------------------------|---|
| 8:30 a.m.               | Greetings & Introductions.  |
| 9:00 a.m. – 10:30 a.m.  | LSGAC and FCC Staff discussion of wireless interference with public safety communications (generally) and Anne Arundel County – Cingular proceeding; meeting with representatives of Anne Arundel County proceedings (LSGAC, its Staff and FCC Staff only). Jeanne Kowalski, Deputy Division Chief, Public Safety, Wireless Telecommunications Bureau, Saloman Şatche, Engineer, Office of Engineering and Technology |
| 10:30 a.m. – 10:45 a.m. | Break   |
| 10:45 a.m. – 11:15 a.m. | LSGAC discussion of possible recommendation on wireless interference matters (LSGAC and its Staff only)   |
| 11:15 a.m. – Noon       | LSGAC discussion – response to July 1 letter from Industry Rights of Way Working Group (LSGAC and its Staff only)   |
| Noon - 1:30 p.m.        | Working lunch -- FCC and LSGAC discussion of various issues (LSGAC, its Staff and FCC Staff only).  |
- Update from FCC Staff on status of cable modem, DSL, wireline deregulation and competitive networks proceedings. Representative of Wireline Competition Bureau, Peggy Greene, Associate Chief, Media Bureau
  - Update from FCC Staff on Revisions to Cable Television Rate Regulations; Implementation of Sections of the Cable Television Consumer Protection and Competition Act of 1992; Rate Regulations (MM Docket Nos. 92-266 and 93-215); Adoption of a Uniform Accounting System for the Provision of Regulated Cable Service (CS Docket No. 94-28); and Cable Pricing Flexibility (CS Docket No. 96-157). Peggy Greene, Associate Chief, Media Bureau
  - Telecommunications Service Priority program – presentation from Ken Moran, Director, National Defense and Security, Office of Engineering and Technology.

1:30 p.m. – 2:30 p.m.	Status of 800 MHz issues; Nextel proceeding (LSGAC, its Staff, and FCC only). Michael Wilhelm, Legal Advisor, Public Safety and Private Wireless Division, Wireless Telecommunications Bureau.
2:30 p.m. – 3:15 p.m.	FCC complaint tracking issue – follow-up with FCC Staff on LSGAC issues and possible resolution (LSGAC, its Staff and FCC Staff only). Gene Fullano, Legal Advisor to the Bureau Chief, Consumer and Governmental Affairs Bureau
3:15 p.m. – 3:30 p.m.	Break
3:30 p.m. – 4:15 p.m.	LSGAC discussion of follow-up to ROW meetings, and possible advisory recommendation in cable modem and DSL proceedings (LSGAC and its Staff only).
4:15 p.m. – 4:30 p.m.	Upcoming meeting schedule/Other issues.
4:30 p.m.	Adjourn.

**Attachment III**



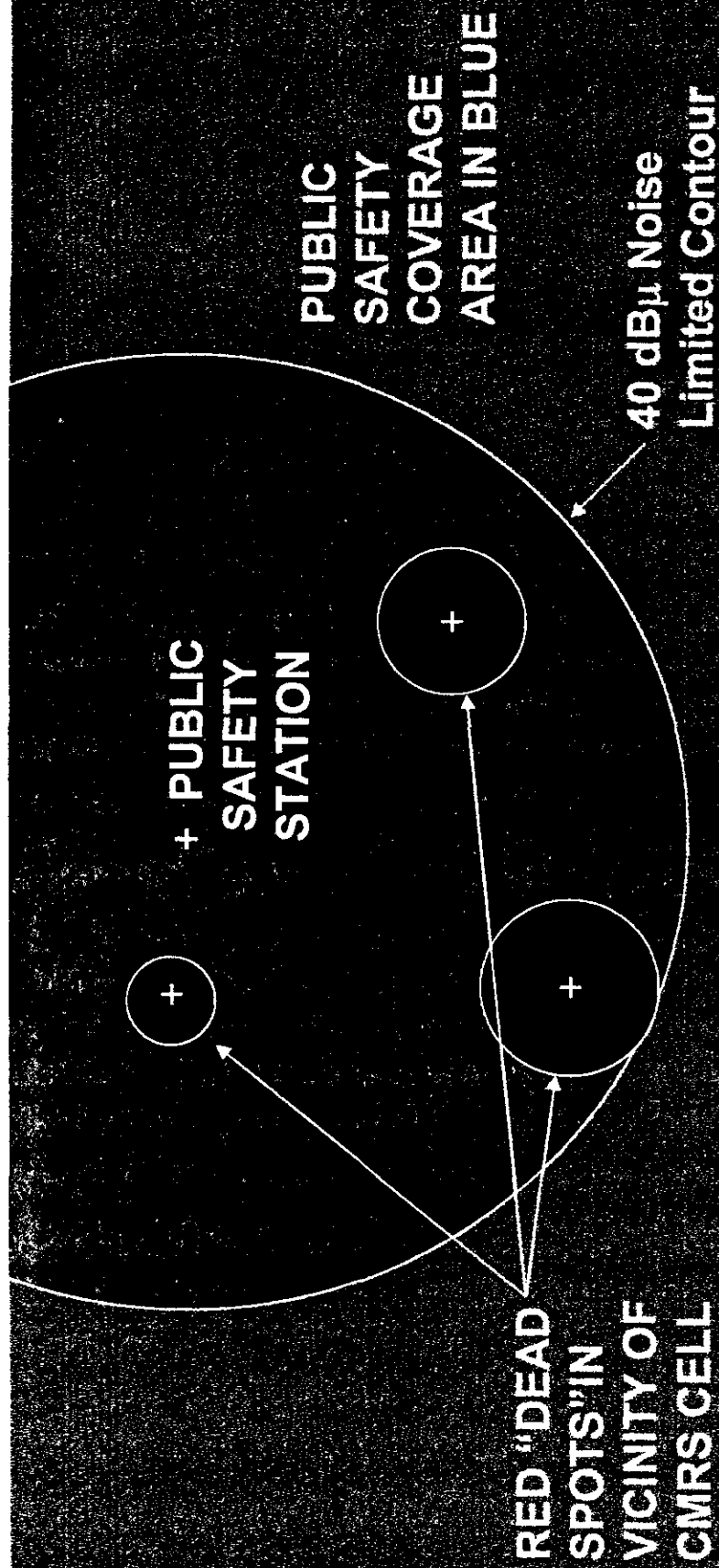
# Existing 800 MHz Land Mobile Radio Bandplan



General Category Pool

SMR Category Pool

SMR, Public Safety, Industrial/Land Transportation  
& Business Channels

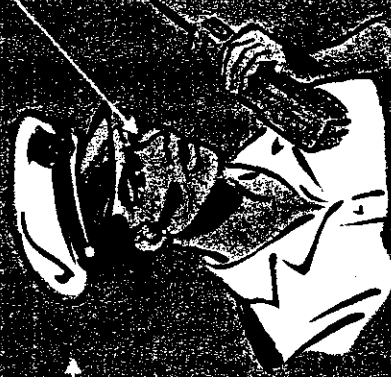


THIS IS THE "NEAR/FAR" PROBLEM. THE OFFICER IS NEAR THE CMRS CELL SITE WHERE THE UNDESIRABLE CMRS SIGNAL IS STRONG AND RELATIVELY FAR FROM THE PUBLIC SAFETY BASE STATION WHOSE DESIRED SIGNAL IS WEAK BY COMPARISON

EXCEPTIONALLY STRONG  
SIGNAL FROM CELL SITE --  
RELATIVELY WEAK SIGNAL  
FROM BASE STATION

CMRS  
CELL  
SITE

2500  
FEET



15 MILES



PUBLIC  
SAFETY  
BASE  
STATION

SIGNAL FROM CELL SITE  
OVERLOADS HANDHELD  
RADIO. IT GOES  
"DEAD" - OFFICER CAN'T  
HEAR DISPATCHER.

350 MHz

# NEXTEL BAND RECONFIGURATION PROPOSAL



PUBLIC SAFETY

Guard  
Band

350 MHz to 450 MHz Spectrum Allocation  
The 350 MHz to 450 MHz spectrum is currently allocated to Public Safety, Aviation, and Air Ground. The proposed reconfiguration would allocate the 350 MHz to 400 MHz spectrum to Nextel, and the 400 MHz to 450 MHz spectrum to Public Safety, Aviation, and Air Ground.

Nextel has spectrum

# NAM/MRFAC 800 MHz Bandplan

## Mobile

806 MHz

700 MHz  
Public Safety

811 MHz

Public  
Safety

816 MHz

SMR, Business,  
Industrial &  
Land  
Transportation

824 MHz

CELLULAR

851 MHz

856 MHz

861 MHz

869 MHz

## Base